



**CITY OF RIVERSIDE  
COMMUNITY POLICE REVIEW COMMISSION**

**REGULAR MEETING  
MINUTES  
for  
December 17, 2001  
Art Pick Council Chamber  
3900 Main Street, Riverside, CA**

Present: Commissioners Brewer, Floyd, Garcia, Gardner, Goldware, Hendrick, Howe, and Huerta

Absent: Commissioner Egson

Chairperson Howe called the meeting to order at 6:09 p.m. and led in the Pledge of Allegiance.

Motion was made by Commissioner Brewer and seconded by Commissioner Huerta to approve the minutes for the November 2001 monthly meeting. The motion passed with one commissioner abstaining.

**Executive Director's Report & Comments**

Mr. Williams said that January 7, 2002 had been set as the tentative date for the next case review meeting.

He advised the Commission that the CPRC staff was working on the annual report and hoped to have it ready for presentation to the City Council and Mayor by mid-January. He asked that the commissioners contact him if they had comments or items they wanted to address with regard to the report.

He also noted that the three commissioners (Commissioners Egson, Gardner, and Goldware) whose terms end in March were nominated for reappointment, along with Alternate Commissioner Jim Ward. He said that the final vote by Council would take place on January 8, 2002. He congratulated the commissioners and thanked them for "re-upping."

**Commissioner's Comments**

There were no comments by any of the commissioners.

**Public Comments**

There were no public comments regarding items not on the agenda.

## **Discuss Proposal to Revitalize All City Boards & Commissions to Geographically Represent the Entire City**

Chairperson Howe asked to hear from the public first and called Mr. Art Garcia to the podium.

### **Mr. Art Garcia**

Thank you, Mr. Chairman, members of the Commission, Executive Director Williams. I come before you as a private citizen, but also as a member of the City's Parking, Traffic and Streets Commission and about a week and a half ago, Don, or so, the City Council's Governmental Affairs Committee had a meeting to discuss this issue and I attended that meeting and gave some testimony at that meeting regarding the restructuring of the City's boards and commissions. Currently, my commission consists of nine members and there's a proposal to reduce it down to seven with the exception of two commissions, yours and the Human Relations Commission, which, by the way, I used to sit on from '83 to '87 and that body is comprised of 15 to 17 members. Now they propose to reduce it down to 15. I don't think there's a problem with that one or with your commission staying at nine. I would like to see all the commissions, quite frankly, be at nine members. Each councilmember would have one nominee or one pick, and the mayor should have two. The way it's proposed now, the mayor is out of the picture, for the most part, and the City councilmembers, per the proposal by Councilman Adkison, would get to choose one from each ward. I live in Ward 7 – I used to be in Ward 6 – and there's only six commissioners city-wide from Ward 7 and only six from Ward 6 and, I believe, seven from Ward 5. Ward 4 has – and you'll hear a report, I'm sure, on this – Ward 4 has the lion's share of representatives on the City's boards and commissions. I feel that, again, that the commission size should not be reduced because of the fact that was brought up that some commissions have sub-committees. When you reduce it from, say, nine to seven, then you have more commissioners or board members that have to attend more meetings to have these sub-committees function. And also, as I indicated, I believe strongly that the mayor should have a say in how the City's boards and commissions function and who sits on them. You know, some boards and commissions have a requirement that experts in the field, say arborists, for example, would sit on the Parks and Rec Commission and other subject matter experts would sit on the appropriate boards and commissions. If you reduce that from nine to seven, that reduces the possibility of finding somebody, especially if you have to have one from each ward. So I would propose that it's not an appointment by ward, but a nomination and then the City Council, et al, would select the composition of that commission or board member. So I ask you in your – and all of our commissions and boards are being asked for our opinion on this proposal – I would ask that you not concur with the recommendation to go from nine to seven. Keep it at nine, and there are some bodies that are at seven, increase that to nine as well and give the citizens of Riverside a greater opportunity to serve.

On the issue of representation by ward – it's lacking. It needs work. And I think it's up to the city officials to do a better job of outreach, and it's up to the citizenry of Riverside to respond to that call. Thank you.

**CHAIRPERSON HOWE** – Thank you. Is there anyone else who wants to address this subject? Okay, then we'll have each commissioner give his or her views on this subject. Jack?

**VICE-CHAIR BREWER** – I would... I'm in opposition to the recommendation of the councilman for a number of reasons. We have a lot of good people in this city and you may or may not get the best people for your commissions and boards if you have to break it down to each ward. I'm also concerned about the political part of it. Once it's going there that unless you know the persons on that council in that ward and have been involved with he or she – I think if you've just been a stranger before that time, you're not going to have a chance to be nominated, even though you might be more qualified.

As far as changing from the numbers, I don't have a particular problem one way or the other as far as who serves, the number that serves on the commission. But the concept itself leaves a lot to be desired, as far as I'm concerned. I can understand wanting somebody from every ward and that there is a difference where one ward is much heavier than others, but overall, I think that we would be hurting ourselves and possibly losing some really good people by going to that concept.

**CHAIRPERSON HOWE** – Okay. Nick?

**COMMISSIONER GOLDWARE** – Actually, I'm in favor of this, but with a little bit of a twist that I think Mr. Garcia talked about. I'd like to see broader representation from the city and, even though I am in Ward 4 and have served previously on the Parks and Recreation Commission years ago and currently serve on this body, I think that it benefits the city when we have people from all wards participating. I like the process that Councilman Adkison has suggested where the only time, as I understand it, that the councilperson in that particular ward would be responsible for, in effect, finding the person, would be if nobody volunteered from that. In looking at this quickly while we're talking to refresh my memory, I think the process says, "The selection process would be streamlined and made more efficient by initiating the following procedures. Interested parties for a specific boards or commission position shall submit an application to the city clerk." And then one of the other points – "Should there be an insufficient number of qualified applicants from a particular ward, it shall then be the responsibility of the councilmember representing that ward to solicit a qualified applicant." So, I like that fact that all the city wards should be properly represented and I don't have a problem with some kind of equity in there. I do agree with Mr. Garcia, though. I would like to see the number kept at nine so there is a broader representation and that the mayor has some say in this. I think that that would take, potentially, the exposure away from having deserving and dedicated people who don't necessarily fit the particular ward who want to serve. They could potentially fill that position via the mayor's appointment. So I'm very supportive of this general approach. I do think the process needs to be streamlined and in that regard I would be more of a proponent of going to nine, having the city councilman be responsible for getting the word out in his ward or her ward and getting the interested people involved. Thank you.

**CHAIRPERSON HOWE** – Okay. Mike?

**COMMISSIONER GARDNER** – I agree that we need to have broader representation across the city, but I don't think this is the way to do it. I think a councilmember would be well served in terms of representing their ward by seeking qualified nominations, or nominees, and encouraging them to apply, but to essentially set up an appointment by each councilmember does give me some trouble. I do like Mr. Garcia's idea of maintaining at nine, but I'd prefer that the present, city-wide appointment structure and would recommend we stick with that.

**CHAIRPERSON HOWE** – Dr. Bill?

**COMMISSIONER HENDRICK** – Well I agree, too, that the...with what Mike just said. I have a basic problem with the recommendation. I think that the concern of mine is that we want the best people and I don't think it should be a factor of your address. School districts, in my experience, that have gone to the ward system really have a terrible time getting good candidates and getting people that really have a sincere interest other than just their particular address, so I would be opposed to that. I do agree that we do need broader representation and I'd like to see that be a function of the City Council, to be out and encouraging people and finding citizens to volunteer. This is a voluntary activity and I think, given that, they need to encourage people to come forward and that will help them better serve the city.

**CHAIRPERSON HOWE** – Thank you. Gloria?

**COMMISSIONER HUERTA** – I think I kind of agree with most of what's been said. I like the concept of having people have a streamlined process so you don't have all the issues that we've heard concerns about getting appointed to boards and going through multiple interviews and a lot of the political stuff that's happened. But at the same time, I think we volunteered or applied to be on this board because we wanted to. We had an interest. We wanted to be volunteers. I don't think any of us knew how much work it was going to be when we started, but we hung in there and we continue. I think that the diversity on this board is very great despite that many of us live in the same districts or the same wards. The dichotomy in the Ward 4 representation on this board is diverse. I mean it is very diverse. I think limiting it to one individual from each ward would probably dilute the ability of the commissions to do the job that the city wanted them to do. I don't know how you get better representation in more districts or more

wards involved, but I don't think this is the answer.

**CHAIRPERSON HOWE** – Okay. Attorney Bill?

**COMMISSIONER FLOYD** – Thank you. I have really mixed feelings about this proposal as I think some of the others on the Commission do. I do believe that the current process is best designed to select the best qualified people for boards and commissions because, basically, you're taking everyone that applies without regard to where they live and the entire Council is making a judgment on who are the best people to serve. And I think you dilute that somewhat when you go to a ward system. But at the same time, I'm very sympathetic to the notion that each ward should be represented on boards and commissions, so... You know, I think in the final analysis, if this new proposal was adopted, there would be an outreach effort to get good people in each ward to qualify. And I firmly believe that there are good people in all the wards in the city, that there are well-qualified people in all of the wards in the city. So I think, if I had to vote, I'd vote in favor of the current process, but I don't think if the city shifts to the new process that it's necessarily a bad thing.

**CHAIRPERSON HOWE** – Okay. Bob?

**COMMISSIONER GARCIA** – I understand Councilman Adkison's proposal here, but I don't think we should also reduce the number of membership in your boards or commissions. As stated before, when you have a large number in your board or commission, you could use the membership to bring your sub-committees together, and if you reduce that, it'd be a tighter situation on getting your sub-committees together and also if we choose one person from each ward, I think that's not giving the full city community members to apply and want to be a part of this. Like stated before, it is a volunteer position and when you deny people to be on your boards or commission because there's already one person selected from your ward, I think that's not giving enough input on letting your people make decisions for you. So I also will say that I don't think they should reduce, like I stated before, the numbers. And also to only select one person from each ward - if our councilpersons are involved in our communities, they know who our leadership is in all our communities and I believe they should make that outreach by attending meetings and seeing who the strong people are and asking them to go apply for our boards and commissions. So I think it's on their behalf also that they should be out there in our communities as they should be.

**CHAIRPERSON HOWE** – Okay. Thank you. My feelings on this... This particular commission represents both citizens and police officers and we don't represent any particular ward. Police officers come from all over the area, including outside the city. Citizens also. We've reviewed complaints from citizens that do not live in Riverside, so we don't get involved in a particular ward or section of town or anything like that. Our view is a wide view. Matter of fact, when I look at a name on a complaint, I don't even look at the address to see where the person lives. It doesn't make any difference to me because that doesn't mean anything. Our job is to investigate the complaint. This may not apply to other boards and commissions in the city, but it certainly applies to us, so I think it would be very political if we start representing wards in the city as commissioners, this particular commission is going to get very political. So I would be against anything like that. If they can come up with another type of a selection process then, naturally, we'd take a look at it.

Okay, I think we probably should take a vote on our feelings in general. Bill, go ahead.

**COMMISSIONER HENDRICK** – I just wanted to make one more comment. One of the things that struck me as I read that, as I was a little troubled by the fact that they were talking about streamlining. I thought the process that we went through was a very good process. I thought that the fact that we interviewed in front of the entire City Council – and yes, it took a day to do that – but I think that's a very positive and powerful thing and I would hate to see them move away from that. I think it's really important. This is a very important commission, as are all the commissions and when one starts talking about shortcutting time, you know, this is a personnel-type practice. We're picking people to serve on important commissions and I think when you start looking at trying to shortcut time, you wind up burning yourself in the end.

**CHAIRPERSON HOWE** – Yeah. Just to add on to that. I think when we all applied for this particular commission, we had our heart and soul in it. We didn't have anybody to push us or to urge us to apply. If people from other areas of the city that aren't represented here haven't applied, then, you know, that's because they weren't interested. And if we have to start urging people to apply, then we might run into another problem where somebody's not willing to give the time and the commitment.

Okay. Mike, you had something to say?

**COMMISSIONER GARDNER** – I was going to make a motion if you feel that's in order.

**CHAIRPERSON HOWE** – Don?

**EXEC. DIR. WILLIAMS** – Yeah, I don't think...just from my perspective, I don't think that this requires any kind of motion or anything. What they're trying to do is get the commissioners viewpoints so that you can report those viewpoints back – I think January 3<sup>rd</sup> or 4<sup>th</sup> – there's a meeting of the Governmental Affairs Committee first part of January, so I don't think it requires any kind of motion or vote. They're just trying to get a sense of where everybody...all the commissions...

**CHAIRPERSON HOWE** – Can we take a straw vote just for the fun of it?

**EXEC. DIR. WILLIAMS** – What ever you want to do – it's your board. I just wanted to throw that out...

**VICE-CHAIR BREWER** – I think that makes it clearer to the chairman if you take a straw vote.

**CHAIRPERSON HOWE** – Yeah, because I'm going to have to give the presentation.

**EXEC. DIR. WILLIAMS** – I just thought I'd throw that out for whatever it's worth and you do whatever you want to.

**COMMISSIONER GOLDWARE** – I think in taking a straw vote or any other kind of vote, you're either going to...you're going to take a straw vote on either a motion or some other motion starting that process and then trying to define what the motion's going to be. I think that there's a somewhat clear understanding that there are parts of this that sound good. There are other parts that don't sound good. There are indications that we've heard tonight that might tweak it a little bit. I think, and my recommendation is, as the chairperson of this, that when you go to the January 3<sup>rd</sup> meeting you might indicate that it was the Commission's feeling that the way it's presented was not something that they were comfortable with. I'm not in favor of drawing a vote because, from what I've heard so far, unless somebody comes up with something that's closer to the kind of discussion that we're having, I'm going to vote against it, and I don't think that we want to send a message that we've got a mixed process here on this thing that they're not even asking for a vote on.

**CHAIRPERSON HOWE** – Okay. Bill?

**COMMISSIONER HENDRICK** – That's a good point.

**CHAIRPERSON HOWE** – Yeah. So with that, then, we'll just let it lie.

**COMMISSIONER HENDRICK** – I was just going to comment that I agree with what Nick's saying. I initially thought yeah, maybe we ought to do the straw vote, but what he just said I think makes a lot of sense. I think we don't want to necessarily take a position, we just want to give them feedback and I think that's what Don's alluding to.

**CHAIRPERSON HOWE** – Okay, good.

**Discuss and possible vote on including a proposal to amend the Commission's powers and authority in the Commission's Annual Report.**

**CHAIRPERSON HOWE** – I'm going to call on the community first. Go ahead, Don.

**EXEC. DIR. WILLIAMS** – May I speak, have just one word real quick about this? Since we put this on the agenda, I've talked to a couple of people in City Hall and what I would like to do is have the option to...if these are things you feel strongly about and you want to send a message to the Council, let's do it in something other than maybe the annual report. The annual report is going to have a lot of things in it, primarily about the Police Department and things of this nature. If we want to send something to the Council that we think we need to have a stronger ordinance or whatever like that, that's fine and good and everything, but maybe that's not the right document. I'd like to have the option, if I could, of doing it that way or maybe a separate Commission recommendation or something like that. That's all that I ask is just to give me that option to do that.

**CHAIRPERSON HOWE** – Yeah. We could make it in the form of a document such as a letter to the Council.

**EXEC. DIR. WILLIAMS** – Yeah, I'm sure there are many ways to do it. We can check and see what the best way to do it is. I'm not sure this annual report is the best way because it's going to include a lot of other things and everything and it may turn out to be the best way. I don't know. But I think this is just something that, if you could give me the option on that and not tie me down to the annual report, that would be appreciated on my part and we'll go from... I'll meet with the best minds we have up there and see what their general consensus is and I'm sure, by the discussion, I'll have an idea of what your consensus is and everything. So that's one thing I would ask.

**CHAIRPERSON HOWE** – Okay. We'll hear from the community. Ms. Mary Shelton?

**Ms. Mary Shelton**

Hi. I'm here to speak, but I'm not exactly sure when you talk about changing the ordinance whether you're trying to strengthen your power and independence or weaken it. I think that a lot of the things that have been said, but what we have to keep doing is we have to keep returning to the original ordinance and what the original ordinance says that you can and cannot do in terms of, particularly in terms of independent investigations. I don't understand why this commission is asking for more powers when they haven't even really exercised the powers that you have in that ordinance. The ordinance gives you the right to, in certain circumstances, independently investigate things that happen in the Police Department, particularly if they result in the death of an individual through the direct or indirect actions of a peace officer. And there's been two opportunities for this commission to do so and both times – there was a definite no to the Doug Jacob's situation – but even with the Phaisouphanh shooting, there seems to be a reluctance to get involved with it and it's already six months down the road and nothing's really happened in terms of that.

I think you really don't understand what your powers and your independence are as a commission. When you're doing things that a lot of people like, you might think that you have the powers to do that, but that might be based because you're going along with the flow of what they want you to do. It's only when you make a decision that's unpopular with outside parties that, and are challenged on it, that you will find out how much back up you really receive from the ordinance, but I haven't seen any real commitment to exercising any of those powers. You have the right to...already have the right to independently investigate and to even get a subpoena if you want to, if you have the right numbers voting for a subpoena. But none of those things have been exercised so far and I'm just kind of confused about why you're so interested in amending the ordinance when you've got a pretty good ordinance that you haven't even stretched to the limits yet. I think that the ordinance is crystal clear in what it tells you you can and cannot do and there's always some things you're going to do that are not going to be popular with people.

I mean, it's a waste of time to cater and please the RPOA because your very existence as a commission is very offensive to them. As acting spokesperson, Eric Charrette made very clear in his comments in the

Press-Enterprise article, they don't want you here. So if you're trying to, like, win them over, that may not work. So I think what you're really here...yes, you are here to represent the police officers, but you're mostly here to represent the community because the Internal Affairs Division is set up to represent the police officers and often times the citizens feel shut out of that process and that's why we have the Community Police Review Commission. It's for the community. Yes, it includes police officers, but it also includes a lot of the people that, I mean, they come forward with complaints and they don't have enough options available to them. So, if we're going to discuss having more powers given to us, this commission, whatever they may be, I would like more discussion about the ordinance and the reluctance that this commission has in terms of stretching the ordinance to see how far they can go with it. I mean, yes, you might get...the first time you try to do a subpoena or independent investigation you probably will have a lot of, like, resentment and possible obstruction from the RPOA, but I mean, you still have the right to do that and it's like, I'm just trying to understand what is exactly being requested here. I hope this doesn't mean that you want to weaken your powers as a commission because I don't feel like you're in a position to ask to do that either because you haven't really exercised the powers that you've got and I'm just coming forward as a community member saying that I'm really concerned about this agenda item because it's not very well explained and we haven't even really worked with the ordinance that we have right now. Thank you.

**CHAIRPERSON HOWE** – Any comments from any of the commissioners?

**VICE-CHAIR BREWER** – Possibly. We're not going to use the powers that's in the ordinance to extreme unless they're needed to be used. We're not going to issue subpoenas to someone if we don't need to issue subpoenas to someone. We certainly have that and nobody that I know of on this commission is reluctant to use any of those things, if needed, but don't use them indiscriminately when it's not needed.

**CHAIRPERSON HOWE** – I would like to respond to Ms. Shelton's remarks about we're trying to please the RPOA or win them over. There's no such thing. We are an impartial, independent, investigatory commission, not trying to win anyone over or to satisfy anyone.

**COMMISSIONER GOLDWARE** – Ms. Shelton, I think that this is before us primarily because of the community's interest in people's viewpoints. I don't think that this has been raised by the Commission per se. We responded to a community interest, yours being one of them over the months that we've been here. I would like to comment on a couple of items. Number 1 – In a lot of the situations where police are involved in, there tends to be a rush to judgment. We have the luxury – some may not call it that – we have the luxury of being able to take our time – not unduly – but take our time and to be able to respond to the information and the available data that is presented to us, and then if we feel that it's not presented in a proper framework or we don't have all the facts or there are things that we can question, I am very, very comfortable that this commission will do all the things necessary and ask all the difficult questions. I've sat in almost all of the closed sessions on the cases that we listen to and I can tell you that the members of this commission are very dutiful in their follow-up and ask difficult questions. A number of the ranking officers and management staff of the Police Department who have participated in some of those meetings I think will concur with that statement.

I'm also a little bit concerned with the fact, as was stated a moment ago by our chairperson, about the perception that you, at least, voiced regarding our apparent desire to appease the RPOA. I have been very critical of the RPOA. I'm sure that I'm not a friend of the RPOA even though I am very friendly, and have been for years and I'm not hesitant to say it, about law enforcement and the Riverside Police Department. I think the RPOA has made comments, by their president and other people, in written material based on a lack of information and having no knowledge of the relationship between them and us, and I don't treat them any differently than I would you or any other citizen in this community. And candidly, in fairness to you, because you have come to all the meetings, so I don't want this to be too sarcastic, but I resent the fact that you would even think that. Thank you.

**CHAIRPERSON HOWE** – Any other comments? Mike?

**COMMISSIONER GARDNER** – Again, I would just like to echo what you said, Mr. Chair. We are not here to represent anyone. We are not here to represent anyone. We are here, to the best of our ability, to find the truth, and that's what we make every effort to do. We don't represent citizens. We don't represent police officers. We do not take sides.

**CHAIRPERSON HOWE** – Any others? Okay. We'll, at this time, have remarks from our commissioners regarding this subject. I'm sorry, Mr. Garcia. Go ahead.

**Mr. Art Garcia**

I guess I spoke too much previously, so I'll try to keep this brief. I can take a hint, Mr. Chairman.

I've had the opportunity in the past to help shape policy and workings of this commission when you went over your by-laws, their creation, and I appreciate you listening to the citizens input and suggestions. You know, I also don't agree with Ms. Shelton's viewpoint that you're not exercising your full powers, you know, the Jacobs and the Phaisouphanh death. It's still in the early stages of your commission. This is the trial-and-error process that you're going through and, as I spoke last month, I feel that the investigative process shouldn't take five or six months to get into for this commission. Possibly you do it concurrently with RPD without getting in their way, of course. But I think that, on the proposal, I think it's a good one. I concur. I think it's a great idea to actually get into other areas. The use of force reports, analysis of pursuits, and other critical incident reports, internally-generated investigations of alleged officer wrong-doing or complaints against non-sworn employees. You know, I think that would be good for you to get into that and I question, I ask, how does the LAPD or L.A. commission, San Diego commission, San Francisco commission work? How do they work? Do they have full authority and overview? Do they get into these areas? This is a large city of over a quarter million people and growing. I would like to see this commission have more authority, more teeth. I would like to have it, to see this commission just be a one-stop-shop, if you will, and cover everything that you ought to cover. And I somewhat disagree with Commissioner Gardner. I believe you do represent the citizens of Riverside and their best interests and you do represent the truth. That's very important, that you don't get into which ward I'm from or don't get into "I'm a pro- or anti-police" type of a philosophy. You're here to find the truth, but you're also into protecting the citizens of the City of Riverside. That's why you were created, as a result of public outcry and you have to do the right thing. It was mentioned last month. There was a gentleman that spoke about not being swayed by public outcry and political pressure. I totally agree with that and I'm expressing my views as a citizen of Riverside what I believe. So I hope that you do the right thing and adopt this. I think it's important and you're still learning to walk. I think you're beyond the crawling stages. You're very new as a commission and you're going to learn from your experiences. So, you know, don't shy away from this opportunity. Thank you.

**CHAIRPERSON HOWE** – Okay, now at this time we'll have comments from the various commissioners. We'll start with you, Don, I mean Jack. I'm sorry.

**VICE-CHAIR BREWER** – Overall, I would be in favor of expanding, having the ordinance expanded to take in this, the other items that have been listed here. I think that way it gives us a better overall view of the operation of the Police Department, just not what we see when there is a complaint. It gets into the civilian part of the Police Department, where there are also complaints. We have a case before us tonight that involves both, but we can only rule on one part of the case because of how the ordinance stands now. I think by seeing the pursuits, policies, especially on the use of force, that's a main concern in most every citizen and if nothing else, we should be allowed to at least review all of those use of forces and make some type of recommendation. I realize that it causes more work, and we do a lot of work, put in a lot of time as it is now. But I think it would make a more rounded commission by doing this.

**CHAIRPERSON HOWE** – Okay, Nick?

**COMMISSIONER GOLDWARE** – I'll hold for right now. I'll pass.



**CHAIRPERSON HOWE** – Mike?

**COMMISSIONER GARDNER** – I would like to see us look at a broader range of issues within the Department. I think our role is to try to help the community and the Police Department work better together and part of that, I think, is perhaps influencing how the Department does things to some extent, suggesting ways they could change a bit and still accomplish their job, maybe educating the Department on what the community expects and finds acceptable and to some extent, in educating the community as to what the Police Department is about and how they do their business and why they do some things the way they do those things. I think we can do that better if we are involved in a broader range of Department activities. My...to the extent I have reservations about this; my biggest reservation is delving into complaints involving non-sworn personnel because, while I don't have numbers, my perception is there are a lot those. I think they probably tend to be less complicated. If you've got a complaint against a person in Dispatch, it's pretty clear. There's a tape and you can pretty quickly determine whether what a person's complaining about occurred or didn't occur. But from a time perspective, both for commissioner workload - which I'm willing to devote the time, but not everybody may be – but also for our staff. There could be some significant additional work placed on our staff to do that and that could have budgetary considerations for next year.

**CHAIRPERSON HOWE** – Bill?

**COMMISSIONER HENDRICK** – I have a concern with how far this would go and when we start talking about all use of force, would there be the possibility of identifying some kind of a hierarchy within that realm where maybe only certain kinds of use of force cases would come to us. I have a concern with the time. It's already difficult to keep up with all the cases and that sort of thing, especially for those of us who are full-time employed at something else and I would be very concerned with that.

I also have a concern about getting into the realm of beginning to micro-manage. I mean, there is a process within the Department that's there and it needs to be there and I have a concern with how far are we going and when are we beginning to get into micro-managing. That's always a concern for people coming in and dealing with a bureaucracy from the outside.

**CHAIRPERSON HOWE** – Gloria?

**COMMISSIONER HUERTA** – I don't think we have enough information to make a good decision tonight about whether or not we want to expand and if so, what should we expand to. I know that many people I talk to see the Department being more than just sworn personnel and you alluded to the fact that we have had some concerns about non-sworn personnel, but we were unable to address those because of the scope of what we have been directed to do on the ordinance. I'm concerned that some of the reviews that we have gotten, and one we're going to review tonight, would not have come to us had not a citizen complained, and it's a serious allegation, I think. But I would much rather see us – and I'd be willing to help serve on the sub-committee – to take a look at what do we think we really should be looking at and what additional things should we be doing and coming back and making recommendations, maybe in January, rather than taking any kind of vote or action tonight.

**CHAIRPERSON HOWE** – Okay, Bill?

**COMMISSIONER FLOYD** – Thank you. I agree that some of these issues require more study, but there's one area in particular that I strongly support a change and that's the distinction that we seem to make as a commission between citizen-generated complaints and internally generated complaints. I remember when I had my first orientation meeting with Don and he explained to me that we only hear complaints that are generated by citizens and that didn't make any sense to me because if we're an oversight body, if we're charged with the mission of monitoring the conduct of police officers in the Department, it's just not logical that we carve out this exception for internally-generated complaints. I mean, you end up with a situation where you have two officers who commit identical acts, one has a citizen complaint, the other has, perhaps, a sergeant or someone internally file a complaint, and we're only going to be looking at the

one case. And if part of our goal is to see that the Department is consistent and acts in a uniform manner, we don't have the ability to do that when a large number of complaints are not shared with us. I have no idea what the numbers are. I guess that...my guess is that there may be as many or more internally generated complaints than there are citizens' complaints. I don't know. But I strongly support the notion of expanding the authority of the committee to look at all allegations of officer misconduct.

As far as going beyond sworn police officers to non-sworn personnel, I'd want to study that more carefully. Same with use of force and some of these other things that are mentioned. I don't know that we have enough information at this point to really make that decision tonight. Thank you.

**CHAIRPERSON HOWE** – Okay. Bob?

**COMMISSIONER GARCIA** – This seems similar to an item that was brought to our attention previously, and like I stated before, I agree that we should look further into having more information brought to our attention and having those powers. But as Ms. Huerta had mentioned, I also believe that we should do more research, do some more reviewing and have more facts in front of us before we do make a decision. I would say we hold off and look more into this proposal before we make a decision on that.

**CHAIRPERSON HOWE** – Yeah, I have strong concerns about how it's going to affect the office, the budgetary constraints of the personnel in the office. Since it's a two-person office, this would put an additional workload on them and they're already asking for more help now. Also, the strain it would put on some commissioners that work full time, and as I look around, I know of the nine commissioners, six work full time, and this would certainly be a problem with them. So what I'm going to ask is that we form a sub-committee, at Gloria's suggestion, and ask that our vice-chair chair it and since Nick...Mike is the author of this, Mike to be on it and Gloria to be on the sub-committee, okay? And then the vice-chair will call you guys together and come back at our next meeting with a recommendation. Okay? How's that? Alright.

**EXEC. DIR. WILLIAMS** – If I could chime in a little bit with a little fiscal reality. I don't know the current numbers, but when I first got here I started looking at the numbers and I looked at all these numbers that you're talking about and that would raise our intake of items to look at in oversight considerably. It'd be considerable oversight. As you know, for some months now I have been talking about trying to initiate a community outreach, more so than what we're doing now...currently doing and trying to find time to do that just has been impossible. As I was talking to a couple guys, here we are at this meeting; I've got 10 or 11 cases I haven't even reviewed yet for the January...first meeting in January. I've got to find time to do that in between working on the annual report and a couple other little things that just routinely happen in there. I have requested additional staff – one investigator and a clerk to help out with the outreach and all that. That's been denied. We just don't have the money for it fiscally. It's just...we don't have money for it this budget year. They haven't put a hiring freeze on officially, I don't believe yet, but I think from a fiscal standpoint, given the state as it was explained last Thursday morning by Assemblyman Pacheco, the state of the California economy for this year and next year and the state of the fiscal economy for the City of Riverside in those two years...I mean, we could propose it and we could make all these suggestions and everything, but understand that to do it, to actually accomplish the mission, would require more people and larger office facilities and I don't think the city's in a position to afford either one of them, frankly, at this point in time. So, that's just a little dose of fiscal reality, folks.

**CHAIRPERSON HOWE** – I think the sub-committee can take that to bed with them and as they meet, they can look into these things and also check with the Police Department, find out how many citizen complaints or how many complaints against non-sworn they receive, both citizen and within house. Those are some of the things to look at.

**COMMISSIONER HUERTA** – I also would like – I don't recall – I know we looked at other commissions and how they were formed and what they did, but it would be nice to know what other commissions do in regards to their scope of investigations and sworn versus non-sworn, internal versus citizen complaints.

**EXEC. DIR. WILLIAMS** – Yeah. I can contact a few commissions that are similar to ours in scope.

Obviously, the San Diego model's not because it's an investigative, at least the county model is, as is the San Francisco model. That's a purely investigative model, as well. But I can check into Long Beach and this type of thing and see how they handle these issues. I suspect what you're going to find, one thing that's sort of unique – at least in my experience – to Riverside, was the use of force reports. Whenever there's a use of force, there's a sergeant that comes out and does an on-scene investigation and this type of thing regardless of how minor that use of force might be, and that was pretty unique to my experience in law enforcement and I don't know that I've ever seen numbers on that, but I expect that it'd be considerable.

**COMMISSIONER GOLDWARE** – You've got Lt. Dana here. He could probably, off the top of his head, give you an idea. On a daily basis, is there at least one use of force report filed daily?

**CAPT. DANA** – Every day.

**COMMISSIONER GOLDWARE** – Yeah, then you're talking, there's just in use of force 365 cases, regardless of magnitude.

**EXEC. DIR. WILLIAMS** – Yeah, I don't which, other than maybe just tracking, you know, the people who...the officers who maybe used the use of force and what kind of force. I don't know what...there's really not much you can do. I mean, we've seen some of these reports in some of the cases. They've been attached as attachments and you see what goes into them. The sergeant goes out and he talks to the people who are involved, the guy who got whacked, the officer, witnesses or whatever, like that and makes a determination whether it was in policy or whatever, like that. Other than maybe doing something like that, as far as any investigation, you know, I don't know what other investigation you could possibly do without blowing this up to a really unmanageable – not only for us, but for the people in the field, as well. So these are some of the things you need to consider. This thing could go spinning out of control real fast, you know, if you don't watch it.

**VICE-CHAIR BREWER** – I would think that it would be just a tracking type situation, not that you should have to look at and investigate and rule on every use of force complaint that we saw come through. It couldn't be done. We couldn't handle that. But if you saw the reports, you could get a pattern and tracking and know what's going on over all and not get just a piece of what's going on.

**COMMISSIONER GOLDWARE** – Bill, we have a...you suggested we have a sub-committee and I think that they can take this and come back with some information for us.

**CHAIRPERSON HOWE** – Yeah, we've asked for them to come back our next monthly meeting in January.

**COMMISSIONER HENDRICK** – Bill, I had a couple of comments. One of the things I wanted to raise was this commission and the formation of this commission were all part of the requirements from the Attorney General's report. Maybe that's one of the things that you should do in terms of reminding the city that this commission is part of that whole process, and when they want to start denying you the right to have the appropriate personnel to do the job, they may, perhaps, need to be reminded of that. And the other issue, is, of course, all of us recognize that the state is in trouble and all agencies that are funded by the state are...our budgets are cut this year – current year funding. So that's an issue to consider too. But that would be part of my concern, when I was talking about some kind of a hierarchy for what kinds of use of force. In schools, if two kids get into a fight and it's mutual combat and one knocks the other one down, they don't necessarily get disciplined. But if a student gets hurt and requires medical attention, then it elevates to another level. Maybe something along that same line, the use of force that caused the person to be injured, requiring medical attention, something like that. I would like the committee to think about that when they meet.

**EXEC. DIR. WILLIAMS** – Just a sort of correction there. This commission was formed as a...came from a recommendation from the Mayor's Use of Force Panel. It didn't have anything to do with the Attorney

General.

**COMMISSIONER HENDRICK** – But it is tied in to...everything I've read says it's tied in to one of the things that was required by the Attorney General.

**COMMISSIONER GOLDWARE** – No. That's incorrect.

**EXEC. DIR. WILLIAMS** – No. I don't think so. In fact, I don't think they gave us even much credit at all for having a review commission, you know, to be honest with you.

**CHAIRPERSON HOWE** – The Commission existed before the Attorney General came down anyway.

**COMMISSIONER HENDRICK** – I understand that part. But what I was talking about is it keeps reiterating in all the stuff you read that keeps talking about that this commission's in place, and I thought it was one of the things coming from the Attorney General.

**EXEC. DIR. WILLIAMS** – No. He has given us credit for being here and the city credit for having a commission and all that, but it wasn't...that wasn't part of his thinking when he was revving up for the stipulated agreement and this type of thing.

**COMMISSIONER HENDRICK** – I thought you could get money...

**EXEC. DIR. WILLIAMS** – Ah, well...you know, we try...

**COMMISSIONER GARCIA** – Don, I also think you should check with our acting city manager, because when I was on the sub-committee that formed the Commission, we reviewed other cities commissions and that would be also helpful for the sub-committee to look at also. There's a large number. I think there's around 10 of them that we reviewed.

**EXEC. DIR. WILLIAMS** – Yeah, there's a number...well, I've got all his information up there in the vault. At the time, he was looking at different forms of oversight, not just the monitoring kind like we have now. There's only a few of us and that will be easy to do. I'll get that stuff for the Commission...or the sub-committee.

**CHAIRPERSON HOWE** – Okay. We have finished with the regular agenda. We will adjourn to our closed session to look at case reviews.

#### **Closed Session – Case Reviews**

Pursuant to Government Code Section 54957, the Commissioners adjourned to Closed Session at 7:03 p.m. to review the following case(s) involving PUBLIC EMPLOYEE PERSONNEL MATTERS:

<u>CPRC CASE NO.</u>	<u>IA CASE NO.</u>
01-012	PC-01-081-125
01-108	PC-01-186-205
01-112	PC-01-228-047
01-113	PC-01-220-167
01-115	PC-01-222-071
01-127	PC-01-239-174

01-129

PC-01-244-011

01-142

PC-01-275-087

The Commission adjourned at 8:30 p.m.

Respectfully submitted,

---

PHOEBE SHERRON  
Administrative Clerk